

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

WESLEY MORGAN,

Plaintiff,

v.

KELLY GIVENS,

Defendant.

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Case No.: 5:09-CV-114 (CAR)

42 U.S.C. § 1983

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 38] to grant Defendant Givens's Motion for Summary Judgment [Doc. 31] and to deny Plaintiff Morgan's Motion to Dismiss [Doc. 37]. Plaintiff has filed no objection to the Recommendation. Upon review of the Recommendation and consideration of the matter, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Defendant's Motion for Summary Judgment is hereby **GRANTED**, and Plaintiff's Motion to Dismiss is **DENIED**. The clerk is directed to close the case.

SO ORDERED, this 5th day of November, 2010.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

THC